

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Brookfield Board of Education

Appearing on behalf of the Parents: Attorney Jennifer Laviano  
The Law Offices of Jennifer Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Craig Meuser  
Chinni & Meuser LLC  
One Darling Lane  
Avon, CT 06001

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program provided by the District including extended school year services (ESY) appropriate and did it provide the Student with a free and appropriate special education (FAPE) in the least restrictive environment (LRE) from April 5, 2016 to the end of the 2015-2016 school year as defined in the Individual with Disabilities Improvement Act (IDEA)
2. Was the program provided by the District for the for the 2016-2017 school year including ESY appropriate and did it provide the Student with FAPE in the LRE?
3. Was the program provided by the District for the for the 2017-2018 school year including ESY appropriate and did it provide the Student with FAPE in the LRE?
4. Does the Student require a Behavioral Intervention Plan to receive FAPE in the LRE?
5. Should the District reimburse the Parents for the private services provided?
6. Did the District evaluate the Student of all suspect areas of disability?
7. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified as entitled to receive FAPE as defined in IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

July 2, 2018

Final Decision and Order Case No. 18-0383

At a planning and placement team (PPT) meeting, the Parents were in disagreement with the program offered by the District for the 2017-2018 school year. The Parents requested an out of district placement. The Board refused the Parents' request and the Parents filed for due process.

On April 5, 2018, the District received notice of the Parents' request for due process. The Parent agreed to waive a resolution meeting in lieu of mediation. The mediation date was pending.

An impartial hearing officer was appointed on April 6, 2018 and a pre-hearing conference was held on April 10, 2018. The Parents raised an issue at the pre-hearing conference. The issue was: "Does the two-year Statute of Limitations only apply as a filing dateline for due process hearings and does not affect a remedial relief of four year? It did not become an issue for the hearin

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties agreed that further assessments were needed. The Parents withdrew the matter without prejudice.

The date for mailing the Final Decision and Order is was extended in order to accommodate the mediation. The mailing date for the Final Decision and Order is July 18, 2018.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**